

# ORDER FOR SENATE JOINT RESOLUTION 205 TO BE INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 1125, Senate Joint Resolution 205, National Agriculture Day, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVACY PROTECTION ACT— CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I submit a report of the committee of conference on S. 1790 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1790) to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record).

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## UNIFORMED SERVICES SURVIVOR BENEFITS AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 91.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 91) entitled "An Act to amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Uniformed Services Survivor Benefits Amendments of 1980".

Sec. 2. Section 1447(2) of title 10, United States Code, relating to definitions, is amended—

(1) in subparagraph (C)—

(A) by inserting "but which is not less than \$300" after "under the Plan"; and

(B) by striking out ", but not less than \$300;" and inserting in lieu thereof a period; and

(2) by striking out "as increased from time to time under section 1401a of this title."

Sec. 3. (a) Subsection (b) of section 1451 of title 10, United States Code, relating to the amount of annuities under the Survivor Benefit Plan, is amended to read as follows:

"(a)(1) The monthly annuity payable to a widow, widower, or dependent child who is entitled under section 1450(a) of this title to an annuity shall be—

"(A) 55 percent of the base amount, as adjusted from time to time under section 1401a of this title, if the annuity is provided by virtue of eligibility under section 1448(a) (1) (A) of this title; or

"(B) a lesser percentage (determined by the Secretary of Defense in accordance with subsection (d)) of the base amount, as adjusted from time to time under section 1401a of this title on or after the date the person becomes entitled to retired pay under chapter 67 of this title, if the annuity is provided by virtue of eligibility under section 1448(a) (1) (B) of this title.

"(2) In the case of a widow who has one dependent child, the monthly annuity shall be reduced by the lesser of (A) an amount equal to the amount of the mother's benefit, if any, to which the widow would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(1) (1) of such Act, or (B) an amount equal to 40 percent of the amount of the monthly annuity as determined under paragraph (1).

"(3) When the widow or widower reaches age 65, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by the lesser of (A) an amount equal to the amount of the survivor benefit, if any, to which the widower would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(1) (1) of such Act, or (B) an amount equal to 40 percent of the amount of the monthly annuity as determined under paragraph (1). For the purpose of the preceding sentence, a widow or widower shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit is offset by deductions under section 403 of such Act (42 U.S.C. 403) on account of work.

"(4) In the computation of any reduction made under paragraph (2) or (3), there shall be excluded any period of service described in section 210(1) (1) of the Social Security Act (42 U.S.C. 401(1) (1)) which was performed after the effective date of the Uniformed Services Survivor Benefits Amendments of 1980 and which involved periods of service of less than 30 continuous years for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1954 of the social security tax which he has paid."

(b) Subsection (c) of such section is amended—

(1) by striking out "section, or section 1448(d) of this title, on the day before the effective day of that increase" in the first sentence and inserting in lieu thereof "section or under section 1448(d) of this title"; and

(2) by striking out "title, or" in the second sentence and inserting in lieu thereof "title or under".

(c) Subsection (d) of such section is amended by striking out "(a) (2) and inserting in lieu thereof "(a) (1) (B)".

Sec. 4 Section 1452 of title 10, United

States Code, relating to reductions in annuity and retainer pay, is amended by adding at the end thereof the following new subsections:

"(g) (1) Notwithstanding any other provision of this subsection, a person who is elected to participate in the Plan and is suffering from a service-connected disability as determined by the Veterans Administration as being permanent and has suffered from such disability while so rated for a continuous period of 10 or more years (or, if so rated for a lesser period, has suffered from such disability while so rated for a continuous period of not less than 5 years from the date of such person's last discharge or release from active duty) may discontinue participation in the Plan by submitting to the Secretary concerned a request to discontinue participation in the Plan. Any such person's participation in the Plan shall be discontinued effective on the first day of the first month following the month in which a request under this paragraph is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired or retainer pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date. Any request under this paragraph to discontinue participation in the Plan shall be in such form and shall contain such information as the Secretary concerned may require by regulation.

"(2) A person described in paragraph (1) may not discontinue participation in the Plan under such paragraph without the written consent of the beneficiary or beneficiaries of such person under the Plan.

"(3) The Secretary concerned shall furnish promptly to each person who files a request under paragraph (1) to discontinue participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw a request made under paragraph (1) if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

"(4) Upon the death of any person described in paragraph (1) who has discontinued participation in the Plan in accordance with this subsection, any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower.

"(5) Any person described in paragraph (1) who has discontinued participation in the Plan may again elect to participate in the Plan if (A) at any time after having discontinued participation in the Plan the Veteran's Administration reduces such person's service-connected disability rating to less than total, and (B) such person applies to the Secretary concerned, within such period as the Secretary concerned may prescribe, for the service-connected disability rating has been reduced to less than total, and the Secretary concerned may, in his discretion, allow such person to participate in the Plan. Upon such application such person shall be treated as if the Secretary concerned may allow such person's participation in the Plan under this paragraph is effective beginning on the first day of the month after the month in which the Secretary concerned receives the application for resumption of participation in the Plan, and the Secretary concerned shall begin making reductions in such person's retired or retainer pay, or require such person to make deposits in the Treasury under subsection (d), as appropriate, effective on such day.

"(h) Whenever retired and retainer pay

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is increased under section 1401a of this title, the amount of the reduction to be made under subsection (a) or (b) in the retired or retiree pay of any person shall be increased at the same time and by the same percentage as such retired or retiree pay is increased under section 1401a of this title."

Sec. 5. (a) (1) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse of a member of the uniformed services who—

(A) died before September 21, 1972;

(B) was serving on active duty in the uniformed services at the time of his death and had served on active duty for a period of not less than 20 years; and

(C) was at the time of his death entitled to retired or retiree pay or would have been entitled to that pay except that he had not applied for or been granted that pay.

(2) An annuity under paragraph (1) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if such member had died on or after September 21, 1972.

(b) (1) The amount of retired or retiree pay to be used as the basis for the computation of an annuity under subsection (a) is the amount of the retired or retiree pay to which the member would have been entitled if the member had been entitled to that pay based upon his years of active service when he died, adjusted by the overall percentage increase in retired and retiree pay under section 1401a of title 10, United States Code (or any prior comparable provision of law), during the period beginning on the date of the member's death and ending on the day before the effective date of this section.

(2) In addition to any reduction required under the provisions of subchapter II of chapter 73 of title 10, United States Code, the annuity paid to any surviving spouse under this section shall be reduced by any amount such surviving spouse is entitled to receive as an annuity under subchapter I of such chapter.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "Secretary concerned" has the meaning given such term in section 101 (8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

Sec. 6. Section 4 of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended—

(1) by striking out "section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436)" in subsection (a) (2) and inserting in lieu thereof "section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978";

(2) by striking out "in the limitation on annual income for purposes of eligibility for benefits under section 541(b) of title 38, United States Code" in the first sentence of subsection (c) and inserting in lieu thereof

"under section 5412 of title 38, United States Code, in the maximum annual rate of pension under section 541(b) of such title;" and

(3) by striking out "limitation on annual income" in the second sentence of subsection (c) and inserting in lieu thereof "the maximum annual rate of pension".

Sec. 7. The amendments made by sections 2, 3, and 4 of this Act and the provisions of section 5 of this Act shall be effective on the first day of the second calendar month following the month in which this Act is enacted and shall apply to annuities payable by virtue of such amendments and provisions for months beginning on or after such date. No benefits shall accrue to any person by virtue of the enactment of this Act for any period before the date of the enactment of this Act.

Mr. THURMOND. Mr. President, I rise to express my appreciation to my distinguished colleagues in the Senate and House of Representatives for approving my survivor benefit plan (SBP) bill, S. 91, which will remove some of the inequities in the current SBP law.

Most of the inequities in the current survivor benefit plan were developed subsequent to the plan's original conception in 1972. It was intended by the Congress to provide the survivors of military retirees with benefits similar to those provided to the survivors of civil service retirees.

Mr. President, although my original bill contained some other provisions which were dropped by committee action, the bill as currently approved is another step forward to remove some of the inequities. I was disappointed that there were several other provisions in my original S. 91 which were not adopted by our committee.

These pertained to: First, a survivor's offset for a widow with children, since there is no offset for a widow with two children; second, the elimination of the social security offset when that benefit is based on the widow's own earnings; third, an open participation period of 270 days to provide an opportunity for nonparticipating retirees to enroll in the survivor benefit plan; and fourth, an annuity for the "forgotten widows" whose husbands died in retirement before September 21, 1972 who were otherwise qualified before there was an SBP law. I plan to propose legislation in the next session of Congress to address the remaining inequities.

In the interest of reducing the impact of inequities as much as possible, and because of our budgetary problems, I urge my distinguished colleagues to support the revised version of S. 91.

Mr. President, it must be the objective of the Congress to insure that the military survivor benefits are at least comparable to those provided the civilian Federal work force. I might point out to my colleagues that even if all the provisions of my bill (S. 91) were enacted into law, the programs would still not be comparable to the civil service program. This is a fact, even though benefits of social security were added to the benefits of the survivor benefit plan.

I also know that in our efforts to balance the fiscal year 1981 budget, our desire to provide military retirees with a comparable plan is not completely obtainable at this time. Consequently, I commend this important measure to my

colleagues and urge them to concur with the House.

Mr. President, I strongly recommend final approval of S. 91 by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I move that the Senate concur in the amendment of the

Senate as agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

# AMENDMENT TO CHAPTER 87 OF TITLE V, UNITED STATES CODE, INCREASING AMOUNTS OF LIFE INSURANCE AVAILABLE TO FEDERAL EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PRYOR, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 7666.

THE PRESIDING OFFICER (Mr. DEBARTOLO). Laid before the Senate H.R. 7666, to amend chapter 87 of title 5, United States Code, to increase the amount of group-term life insurance available to employees and provide optional insurance on family members, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first time and that the Senate proceed to its immediate consideration.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. PRYOR. Mr. President, H.R. 7666 is a bill to amend chapter 87 of title 5, United States Code, to increase the amount of group-term and optional group life insurance available to Federal employees and provide optional life insurance on family members. This legislation was passed by the House of Representatives, rules suspended, on September 8, 1980. The legislation was subsequently held at the desk in the Senate. On September 17, 1980, the Subcommittee on Service and General Services, which I chair, conducted thorough hearings on the issue receiving extremely favorable testimony from Dr. Alan K. Campbell, Director of the Office of Personnel Management. According to Dr. Campbell, "We believe that H.R. 7666 embodies positive and needed improvements in the Federal Employees' Group Life Insurance program." In a fiscally responsible way, for these reasons, we strongly support the bill and recommend favorable consideration by the Committee.

I urge my colleagues to join me in supporting this needed revision of civil service law.

I submit for the Record certain portions of the House committee report which further explains the provisions of H.R. 7666.

The portions follow: